MONTANA LEGISLATIVE HISTORY

Chapter 148 1965

Bill H 246 S _____ Original bill & history ____C

No Senate Committee minutes for this bill exist.

H. Committee on Business and Industry		S. Committee on Commerce and Labor	
Hearing Date(s) Feb 05	✓C	Hearing Date(s) _____	____C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Feb 05	✓C		

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

Feb. 5, 1965

Rep. Atkins made a motion to reconsider action previously taken by the committee on HB400. Casey seconded; a vote was taken and the motion failed.

Rep. Bollinger made a motion to give HB306 a do pass. Gill seconded and the motion carried.

Rep. Bollinger made a motion to give a do pass to HB260. Deschamps seconded and the motion carried.

Rep. Gilligan made a motion to give HB484 a do pass. Casey seconded

Rep. Rygg made a motion that the committee put this bill into a subcommittee to revise it to the satisfaction of the committee. Gilligan seconded and the motion carried.

Judge appointed a subcommittee of Gilligan and Bollinger.

Rep. Gerke made a motion that HB246 do pass. Delano seconded and the motion carried.

Rep. Gerke made a motion that the committee adopt the amendments in HB246 and that HB246 do pass as amended. Bollinger seconded and the motion carried.

Rep. Gerke made a motion that HB485 do pass. Gill seconded and the motion carried.

Rep. Bollinger made a motion that HB487 do not pass. Gerke seconded and the motion carried.

Rep. Loman made a motion that HB481 do not pass. Casey seconded and the motion carried.

Rep. Deschamps made a motion that HB293 do pass and Fischer seconded. The motion carried.

Rep. Deschamps made a motion that HB482 do not pass and Loman seconded. The motion carried.

Rep. Gilligan made a motion that HB232 do not pass. Gerke seconded and the motion carried.

regular fund of the county high school or district high school."

Repealing clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1965.

CHAPTER 148

An Act Defining Master Electricians, Journeyman Electricians, and Electrical Contractors, and Setting Forth the Qualifications, Examination and Licensing of Each; Adopting a Code of Standards; Providing for Certain Exceptions; Establishing a State Electrical Board; Providing for Appointment of State Electrical Inspectors; Providing for the Issuance of Licenses and Temporary Permits and Inspection Fees; Providing for License Examination; Providing for Disposition of Fees; Providing a Penalty; Repealing Sections 16-1180 and 16-1181; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Electrical safety law.

Section 1. This act is to be known and referred to as the electrical safety law.

Purpose.

Section 2. **Purpose.** The purpose of this act is to protect the health and safety of the people of Montana from the danger of electrically caused shocks, fires and explosions and to protect property from the hazard of electrically caused fires and explosions, and to establish a procedure for determining where and by whom electrical installations are to be made and to assure the public that persons making electrical installations are qualified, and that the electrical installations and electrical products made and sold within this state meet minimum safety standards. From and after the taking effect of this act, all installations in the state of Montana of wires and equipment to convey electric current and installations of apparatus to be operated by such current, except as hereinafter provided, shall be made substantially in accord with the National Electrical Code, as approved by the American standards association, relating to such work as far as the same covers both fire and personal injury hazards, and as the National Electrical Code shall be

National electrical code.

amended, revised, compiled and published from time to time and as such amendments or revisions are adopted by the board.

Definitions—"Master electrician."

Section 3. **Definitions.** (a) The term "master electrician" means a person having the necessary qualifications, training, experience and technical knowledge to properly plan, lay out and supervise the installation and repair of wiring apparatus and equipment for electric light, heat, power, and other purposes in accordance with standard rules and regulations governing such work.

"Journeyman electrician."

(b) The term "journeyman electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to wire for, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes, in accordance with standard rules and regulations governing such work.

"Electrical contractor."

(c) The term "electrical contractor" means any person, firm, copartnership, corporation, association, or combination thereof, who undertakes or offers to undertake for another the planning, laying out, supervising, and installing or the making of additions, alterations, and repairs in the installation of wiring apparatus and equipment for electric light, heat, and power. A registered electrical engineer who plans or designs electrical installations shall not be classed as an electrical contractor.

State electrical board—members —qualifications —compensation.

Section 4. **State electrical board.** There is hereby established a state electrical board which shall consist of three members, appointed by the governor, with the consent of the senate, who shall be residents of the state of Montana. One of said members shall be an electrical contractor, one shall be a journeyman electrician, and one shall be appointed from the public at large. The original members of the board shall be appointed within twenty (20) days after the effective date of this act for one (1), two (2), and three (3) years, respectively, as determined by the governor, and all appointments thereafter shall be for a term of three (3) years. Any vacancy occurring in the membership of the board shall be filled by the governor by appointment for the unexpired term of such member. Each member of the board shall receive the actual and necessary expenses incurred in the performance of his duties, all to be paid out of the electricians' fund herein created.

Oath.

Section 5. **Oath — meetings — powers.** (a) Each member of the board, before entering on the discharge of his duties, and within thirty (30) days from the effective date of his appointment, shall subscribe to an oath for the faithful performance of duty before any officer authorized to administer oaths in this state and shall file the same with the secretary of state.

Meetings—election of officers.

(b) The board shall, within thirty (30) days after July 1, 1965, and annually thereafter in the month of July, elect from the membership thereof a president, vice president and a secretary-treasurer. The board shall meet quarterly and at such other times as it shall deem necessary.

Powers.

(c) The board is authorized and empowered to:

Rules and regulations —licensing —inspections.

(i) Prescribe, amend and enforce rules and regulations consistent with this act for the administration of this act and to effectuate the purposes thereof, and for the licensing of electrical contractors and the examination and licensing of journeymen electricians, and to make inspections of electrical installations, and to issue inspection tags covering such installations, and to establish and charge a reasonable and uniform schedule of fees therefor, which shall not exceed the expenses of providing such inspection service. Individuals, firms, co-operatives, corporations, or municipalities selling electricity hereinafter known as a power supplier, shall not connect with or energize any electrical installation, coming under the provisions of this act, unless the owner or a licensed electrical contractor has delivered to the power supplier an inspection tag, issued by the board except in cities or towns that have no inspection facilities, covering the installation to be energized. Immediately after an installation has been energized, the power supplier shall deliver to the board or its authorized agent, the inspection tag covering such installation except in cities or towns having no inspection facilities. It shall be unlawful for any person, partnership, company, firm, association or corporation other than a power supplier, to energize any electrical installation coming under the provisions of this act unless an application for an electrical inspection tag, covering such installation, together with the inspection fee herein provided, has been forwarded to the board except in cities or towns having no inspection facilities:

Inspection tag.

Unlawful to energize unauthorized installation —exception.

Seal.

(ii) Adopt a seal, and the secretary shall have the care and custody thereof;

Licenses.

(iii) Examine, license, and renew the licenses of duly qualified applicants for electrical contractor, journeyman electrician or master electrician as provided in this article;

Violations.

(iv) Cause the prosecution and enjoinder of all persons violating this article and incur necessary expenses therefor;

Assistance.

(v) Employ such technical, clerical, or other assistance as is necessary for the proper performance of its work.

Electrician must have license.

Section 6. **Electrician must have license.** No person shall engage in or work at the business, trade, or calling of electrical contractor, journeyman electrician or master electrician in this state, until he shall have received from the state electrical board and license or permit to work as an electrical contractor, journeyman electrician or master electrician.

License requirements—master electrician.

Section 7. **License requirements.** (a) An applicant for a master electrician's license shall furnish written evidence that he is a graduate electrical engineer of an accredited college or university and has one year of practical electrical experience, or that he is a graduate of an electrical trade school and has at least four years of practical experience in electrical work, or that he has had at least five years' practical experience in planning, laying out, supervising, or installing wiring, apparatus, or equipment for electrical light, heat, and power. Applicants for license as a master electrician shall file an application on forms prepared and furnished by the state electrical board, together with the examination fee. The board shall, not less than thirty days prior to a scheduled written examination, notify each applicant that the evidence submitted with his application is sufficient to qualify him to take such written examination or that such evidence is insufficient and is rejected and in the event the application is rejected the board shall set forth the reasons therefor in the notice to the applicant, and shall forthwith return such applicant's examination fee. The place of examinations shall be designated in advance by the board and examinations shall be held not less often than once a

year and at such other times as, in the opinion of the board, the number of applicants warrants.

Written examination —to contain.

(b) The written examination shall consist of at least thirty (30) questions designed to fairly test the applicant's knowledge and the technical application thereof in the following subjects:

(i) The national electrical code;

(ii) Cost estimating for electrical installments;

(iii) Procurement and handling of materials needed for electrical installations and repair;

(iv) Reading of blue prints for electrical work;

(v) Drafting and layout of electrical circuits;

(vi) Knowledge of practical electrical theory.

License—evidence of.

(c) An applicant for a journeyman electrician's license shall furnish written evidence that he has had at least four (4) years apprenticeship in the electrical trade or four (4) years practical experience in the wiring for, installing, and repairing electrical apparatus and equipment for light, heat, and power. Applications for license and notice to the applicant shall be made and given as provided for in the case of master electricians' licenses.

Journeyman's license—examination.

(d) The written examination for a journeyman's license shall consist of at least thirty (30) questions designed to fairly test the applicant's knowledge and the technical application thereof in the following subjects:

(i) The Ohms law;

(ii) The National Electrical Code;

(iii) Layout and practical installation of electrical circuits.

Grading of examination.

(e) To insure impartiality, the examination shall be by numbers which shall be drawn by lot, and no paper shall be marked in the name of any applicant but shall be anonymously graded by the board. The examination passing grade shall be seventy-five per cent (75%) of perfection. If it shall be determined that the applicant has passed the examination, the secretary, upon payment by the applicant of the fee, shall issue to the applicant a license which shall authorize him to engage in the business, trade, or calling of a journeyman electrician or master electrician. Each such original license shall by its terms expire on the fifteenth day of July which is at least one (1) year but not more than two (2) years subsequent to the date of issuance.

Renewal of licenses.

(f) All licenses of journeyman electricians or master electricians, unless such licenses have been suspended or revoked by the board, shall be renewed for a period of one (1) year by the board upon application for such renewal being made to the board prior to the fifteenth day of July of the year in which the prior license expired and upon the payment of an annual renewal fee. If application for renewal is not made prior to said fifteenth day of July, an additional fee of five dollars ($5) shall be paid on account of such delinquency in renewal; but all such applications for renewal must be made prior to the fifteenth day of August of that year, otherwise the license shall be forfeited, and such applicant shall be required to pass the examination and pay the fees required of applicants for original licenses.

Unauthorized use of title.

Section 8. **Unauthorized use of title.** No person, firm, partnership, corporation or association shall assume or use the title or designation of licensed master electrician or licensed journeyman electrician unless qualified and licensed under this act.

License to nonresidents—reciprocity.

Section 9. **License to nonresidents—reciprocity.** To the extent that other states which provide for the licensing of electricians provide for similar action, the state electrical board may grant licenses to electricians licensed by such other states, upon payment by the applicant of the required fee and upon furnishing proof to the board that the applicant has qualifications at least equal to those provided herein for applicants for written examinations. Applicants who qualify for a license under this section are not required to take a written examination.

Temporary permits.

Section 10. **Temporary permits.** The state electrical board may issue temporary permits to engage in the work of a master electrician or journeyman electrician to any applicant who furnishes evidence satisfactory to the board that he has the required experience to qualify for the examination provided in this article and who pays the fee. Temporary permits shall continue in effect only until

the next examination is given and may be revoked by the board at any time. If the applicant is granted a license, any fee paid for the temporary permit shall be applied to the fee required for a license.

License without written examination.

Section 11. **License without written examination.** The state electrical board may issue a license as a master electrician or journeyman electrician to any applicant without written examination upon satisfactory proof that said applicant has the qualifications to apply for a license under this act and is the holder of a valid license issued by any city or other political subdivision of the state providing for the examination and licensing of electricians.

Exemptions—communications—electrical public utility.

Section 12. **Exemptions.** (a) Nothing in this act shall be deemed to apply to the installation or maintenance of communication circuits, wires and apparatus; nor to any electrical public utility, or its employees, in the installation and maintenance of electrical wiring, circuits, apparatus and equipment by or for such public utility, or comprising a part of its plants, lines or system. The licensing provisions of this act shall not apply to persons making electrical installations on their own property or to regularly employed maintenance electricians working on the premises of their employer.

Individual on his own property.

(b) Nothing in the article shall be construed to require any individual to hold a license before doing electrical work on his own property.

Apprentice.

(c) Any person may work as an apprentice to a licensed electrician but shall not do any electrical wiring for or installation of electrical apparatus or equipment for light, heat, or power, except with and under the direct supervision of a licensed electrician.

Electrical contractor.

(d) An individual, firm, copartnership, or corporation may engage in business as an electrical contractor without an electrician's license if all electrical work performed by such individual, firm, copartnership, or corporation is under the direction and control of a licensed master electrician.

Electrical appliances.

(e) Any person who plugs in an electrical appliance where approved electrical outlet is already installed shall not be considered as an installer.

Selling, delivering and connecting appliances.

(f) No provisions of this article shall in any manner interfere with, hamper, preclude or prohibit any vendor of any electrical appliance, from selling, delivering and connecting any electrical appliance, if the connection of said appliance does not necessitate the installation of electrical wiring of the structure where said appliance is connected.

Appeals.

Section 13. **Appeals.** Any person aggrieved by a decision of the board, and affected thereby, shall be entitled to judicial review by filing in the district court of the county of his residence or in the district court of the county of Lewis and Clark, within ninety (90) days after the decision of the board, an action requesting such review. Review shall be by trial as in other civil cases, de novo.

Fees.

Section 14. **Fees.** Each electrical contractor shall on or before the first day of July of each year, file with the state electrical board an application in writing for each firm operated by him in Montana to obtain a license therefor. No license shall be issued until the applicant meets the requirements and has paid to the state electrical board a license fee of seventy-five dollars ($75) for each firm operated by him. All licenses shall bear the date of issue and shall expire on the first day of July next following the date of issue. Every electrical contractor licensed under the provisions of this act shall be entitled to have his license renewed for the ensuing year, upon the expiration of his license, by the payment to the state electrical board of a fee of seventy-five dollars ($75) on or before the date of expiration of such license.

$75.00.

Examination fees.

Section 15. **Examination fees.** (a) All master electricians not being electrical contractors and all journeyman electricians performing work or intending to perform work for hire of installing electric wiring or equipment to convey electric current, or installing apparatus to be operated by such current, shall, within sixty (60) days after the first day of July, 1965, make application for a license to the state electrical board. The application shall be on a form furnished by the state electrical board and be accompanied by an examination fee of ten dollars ($10). The forms shall state the applicant's full name, his address, the extent of his experience, and such other information as may be required by the state elec-

$10.00

trical board. Upon applicant's complying with the rules and requirements promulgated by the state electrical board and, being qualified, successfully completes the examination, he shall pay to the state electrical board an annual license fee of twenty-five dollars ($25) for a master electrician's license; ten dollars ($10) for a journeyman electrician's license, and upon receipt thereof, he shall be issued the proper license by said board. Any person serving a four (4) year electrician apprenticeship under the supervision of a licensed electrician shall be exempt from the licensing provision of this paragraph during training. Provided, however, that credit for the time spent in any electrical school shall be given to the master electrician, journeyman electrician or apprentice for the time spent in said classes, up to a total of two (2) years on the aforementioned four (4) year requirement.

$25.00.
$10.00.

Licensing of those presently qualified.

Section 16. **Licensing of those presently qualified.** Montana resident electricians who, prior to the effective date of this act, have had at least four (4) years practical experience in installing electric wires and equipment covered by the National Electrical Code shall not be required to take the examination, but shall be issued a license by the board upon payment of the proper license fee and furnishing of proof satisfactory to the board of such four (4) years' experience; provided, such application is made within sixty (60) days after July 1, 1965. All Montana resident contractors doing business on the effective date of this act shall be qualified to receive said license if application is made within the time provided herein.

Apprentices—rules and regulations—record kept by state board.

Section 17. **Apprentices — rules and regulations — record kept by state board.** Nothing in this act shall prohibit any person from working as an apprentice in said trade of electrician with an electrician duly licensed by said board as herein provided for, and under such rules and regulations as may be prescribed from time to time by the state electrical board; provided, the name and residence of each apprentice, and the names and residences of their employers, shall be duly filed with said board, and a record shall be kept by said board, showing the names and residences of such apprentices.

Municipal ordinances for electrical standards —authority.

Section 18. **Municipal ordinances for electrical standards—authority.** Any municipality of the state of Montana may by ordinance adopt rules and regulations gov-

erning electrical installations within its corporate limits, but the standards provided for therein shall not be less nor lower than the minimum standards provided for them in the state electrical code.

Disposition of fees.

Section 19. **Disposition of fees.** All monies received under this act shall be deposited with the state treasurer and credited to an account to be designated by the state treasurer as the proper account for the fund hereby created. No money shall be paid out of said fund except upon voucher drawn against said fund, signed and certified to by the secretary of the board. All funds so credited shall be available to the state electrical board for the payment of salaries and expenses incurred by it in the performance of its duties under this act.

Violations —penalty.

Section 20. **Violations—penalty.** Any person or corporation violating any provision of this act shall upon conviction thereof, if a person, be punished by a fine not more than five hundred dollars ($500), or by imprisonment for a term not to exceed six (6) months, or by revocation of his license or by such fine, imprisonment and revocation, in the discretion of the court; and if a corporation, be punished by a fine of not more than one thousand dollars ($1,000). Any officer or agent of a corporation, or member or agent of a co-partnership or association, who shall personally participate in or be accessory to any violation of this act by such co-partnership, association, corporation, shall be subject to the penalties herein prescribed for individuals.

Repealing clause.

Section 21. **Repealing clause.** Sections 16-1180 and 16-1181, Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed.

Effective July 1, 1965.

Section 22. This act shall be in full force and effect from and after the 1st day of July, 1965.

Approved March 2, 1965.

CHAPTER 149

An Act Amending Section 92-701, Revised Codes of Montana, 1947, as Last Amended by Chapter 162, Laws of Montana, 1961, and Amending Section 92-702, Revised Codes of Montana, 1947, as Last Amended by Chapter